

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAN F. BECKER, ) CASE NO. C07-1418-RSM-MJB  
Petitioner, )  
v. )  
WARDEN HUDSON, et al., ) REPORT AND RECOMMENDATION  
Respondents. )  
\_\_\_\_\_  
)

Petitioner Jan F. Becker has submitted to this Court for review a petition for writ of habeas corpus under 28 U.S.C. § 2254. Petitioner is currently incarcerated at the Mansfield Correctional Institution in Mansfield, Ohio, pursuant to a 2001 conviction in the Holmes County Court of Common Pleas on charges of gross sexual imposition, felonious sexual penetration, and rape. He appears to assert in his petition that he was denied a fair hearing on his original federal habeas petition by the United States Court of Appeals for the Sixth Circuit.

It is clear from the face of the petition that this Court has no personal jurisdiction over either petitioner or his current custodian. *See Braden v. Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973). It would serve no purpose to transfer this petition to the district court

1 which does have personal jurisdiction over petitioner's current custodian, apparently the United  
2 States District Court for the Northern District of Ohio, because petitioner has already filed a  
3 federal habeas petition in that court, and that court would therefore be without jurisdiction to  
4 consider any subsequent petition unless or until the Sixth Circuit Court of Appeals were to  
5 authorize its filing. *See* 28 U.S.C. § 2244(b)(3)(A).

6 Accordingly, this Court recommends that petitioner's federal habeas petition, and this  
7 action, be dismissed for lack of jurisdiction. A proposed order accompanies this Report and  
8 Recommendation.

9 DATED this 21<sup>st</sup> day of September, 2007.  
10

11   
12 MONICA J. BENTON  
13 United States Magistrate Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26